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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,147	02/14/2002	David J. Miller	P05135	6894

7590

12/30/2004

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

EXAMINER

CONNOLLY, MARK A

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/075,147

Applicant(s)

MILLER, DAVID J.

Examiner

Mark Connolly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-9,11,14-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 3,5,6,10,12,13,17,19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14 Feb. 2002
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 have been presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 7-9, 11, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al [Ho] US Pat No 6560714 in view of Applicants Admitted Prior Art [AAPA].

4. Referring to claim 1, Ho teaches the invention substantially including:
 - a. a voltage regulator [col. 7 lines 60-64].
 - b. a second connection coupled to the voltage regulator for selective connection [306 fig. 3 and col. 7 lines 17-22].
 - c. wherein the control system is operable to provide power to a network interface card and power management signals, if necessary, within each of systems not supporting network-initiated power management recovery, systems supporting network-initiated power management recovery through the header, and systems supporting network-initiated power management recovery through the power management recovery bus signal [col. 7 lines 9-22 and col. 11 lines 38-44].

Although Ho teaches the voltage regulator comprising a second connection, it is not explicitly taught that a second connection is connected to a motherboard. The AAPA explicitly

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teaches that the 3-pin connector used in the prior release to the PCI 2.2 specification (i.e. PCI 2.1) is coupled to the motherboard [page 10 line 13 - page 11 line 3]. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the second connection from the Ho system into the motherboard because the Ho system is PCI 2.1 compliant.

In addition, Ho also does not explicitly teach the voltage regulator comprising a first connection for coupling the voltage regulator to a network-initiated power management recovery signal and a power management recovery bus signal. In fact, the only power management signals explicitly taught in the Ho system are associated with PCI 2.1 even though the system is also compliant with PCI 2.2. The AAPA explicitly teaches that that systems compliant with PCI 2.2 transmits a power management signal PMEN over the PCI bus when a wake or “magic” packet is received [page 10 lines 4-12]. Because the ASIC (320) transmits and receives the power management signals associated with the second connection (i.e. PCI 2.1) it would have been obvious to one of ordinary skill in the art at the time of the invention to also have the ASIC transmit and receive the power management signals associated with PCI 2.2 in order to minimize the amount of circuitry required to manage those signals. The ASIC is interpreted as a voltage regulator since Ho explicitly teaches that the ASIC regulates voltage through the use of an internal voltage regulator [col. 7 lines 60-64].

5. Referring to claim 2, Ho teaches:

- a. a third connection coupled to the voltage regulator for connection to an auxiliary power bus signal [fig. 6, col. 7 lines 45-57 and col. 9 lines 5-32].

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- b. wherein the control system is operable to provide auxiliary power to the network interface card within systems not providing auxiliary power, within systems providing auxiliary power from the header, and within systems providing auxiliary power from the auxiliary power bus signal [fig. 6, col. 7 lines 45-57 and col. 9 lines 5-32].
6. Referring to claim 4, it is obvious by design choice that a signal can be represented by a logic high rather than a logic low or vice versa.
7. Referring to claim 7, Ho teaches that the system is compliant with PCI 2.1 and that the ASIC converts +5V to 3.3V [col. 7 lines 9-22 and 60-64]. The header defined by PCI 2.1 only supplies +5V.
8. Referring to claim 8, this is rejected on the same basis as set forth hereinabove. In addition, Ho teaches that the system is to be used in conjunction with a PCI network interface card [col. 7 lines 9-22].
9. Referring to claims 9,11,14-15 and 18, these are rejected on the same basis as set forth hereinabove. Ho and AAPA teach the controller and therefore teach the method performed by the controller.

Allowable Subject Matter

10. Claims 3, 5-6, 10, 12-13, 17 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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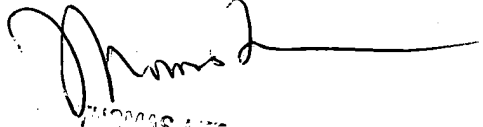
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly
Examiner
Art Unit 2115

mc
December 16, 2004


THOMAS LEE
SUPERVISOR/PATENT EXAMINER
TECHNICAL CENTER 2100